

STAFFORD COUNTY
HISTORICAL COMMISSION
MINUTES
JUNE 3, 2010

- Call to Order. A regular meeting of the Stafford County Historical Commission was called to order by Anita Dodd, at 3:09 P.M., Thursday, June 3, 2010 in Conference Room ABC, Stafford County Administration Center.

- Roll Call. The following members were present: Anita Dodd, Chairperson; Ann Best-Rolls, Vice Chairperson; Cessie Howell, Secretary; Jane Conner and Barbara Kirby. Frank White was absent.

Also in attendance were: Kathy Baker, Assistant Director, Planning & Zoning; Terry Baxley Morton, Commission Clerk and Harry Crisp, Board of Supervisors.

- Presentations by the Public. Glenn Trimmer, Friends of the Stafford Civil War Park thanked the members of the Commission for their support when the Board of Supervisors endorsed the Civil War Park Project. He notified the Commission that fund raising has begun. He gave out hand outs regarding newly discovered Civil War sites. He said he officially retired three weeks ago from his job and would like to take the Commission on a tour of the park. He said there are scheduled tours for the public through County Tourism in Economic Development.

- Discussion of Proposed Ordinance O06-47 dated July 18, 2006 Regarding Archaeological Surveys and Investigations. Guest: Supervisor Harry Crisp, George Washington Election District.

Supervisor Harry Crisp said he has spoken to D.P. Newton, Local Historian and Planning Commissioner Pete Fields during the past year. He said the County has a need for archeological surveys, for identifying and protecting the County's cultural resources. He said the County currently does not have an individual with the responsibility of identifying and documenting cultural resources. Kathy Baker said there is one former staff member of the Planning & Zoning Department now working in a different capacity and is overseeing some preservation tasks. She said there are two environmental planners conducting reviews on plans submitted to the County. Upon completion of their tasks they discuss matters with Anita Dodd, Historical Commission Chairperson.

Anita Dodd said she has been working on the archeological survey process for approximately 15 years. The process included contacting Counties comparable to Stafford regarding the subject of cultural resources. She said the County is probably one of the only counties in the area that does not implement an ordinance to preserve, protect and maintain its cultural resources. She said Fairfax County has an amazing department in place that is over 30 years old. She said the County Administrator, the Director of Property Management and herself have met with officials in Fairfax County in the past regarding the subject. Harry Crisp asked if the ordinance is modeled after another County's. Anita Dodd answered yes. Kathy Baker said the Cultural Resources Management Plan has been in effect since 2002. Anita Dodd said a number of

developers have cooperated with suggestions and there are those that do not. She said the ordinance is not currently in place, it is just on a recommendation basis. She said the only enforcement is if a project falls under Section 106 of the Historic Preservation Guidelines and federal and/or state monies are involved. The Governments require developers to provide environmental and cultural resource studies.

Kathy Baker said the County has some authority when rezoning is involved. Barbara Kirby said the County cannot always count on that being the situation. Harry Crisp agreed. Barbara Kirby said Marlboro, Oakland, Camora, Brentsmill, portions of Widewater, Chestnut Hills, Oakley, Moncure Memorial Chapel and Aquia Tavern historical cultural resources have been lost to name a few. She said the County is losing its identity. Anita Dodd said she tried, unsuccessfully, to get a developer to move a quaint 1800s house to a corner of the property. She said instead he bull-dozed the building down. She said at some point Stafford will no longer have a cultural identity. She said when it comes down to a Phase III portion of this ordinance where it is determined the cultural resource is eligible for the National Register it does not mean it will be saved. It then goes to negotiation working with the individual for a compromise. Preservation is all about compromise. Anita Dodd said she went to the Embrey Mill property where the Richard Knight family home is located. She said they were able to put together a method of agreement (MOA). They are currently stabilizing the house. A development will be built around the house. She said there are ways to use these structures allowing them to contribute to the community as well as preserve the cultural history.

Harry Crisp said he agrees with the idea. He said one aspect is the County will ultimately need an ordinance to implement the idea. Another aspect is the protection of historic sites and artifacts that might be taken by new development. He said yet another aspect, as Anita Dodd pointed out, is the protection and preservation of County owned sites. Anita Dodd said the County owns a significant number of historical resources which is an asset.

Barbara Kirby reiterated that the ordinance would not pertain to individuals but it would be pertinent to developers. Harry Crisp said he is trying to get a better understanding of that aspect. Anita Dodd said the Commission worked closely with the Planning & Zoning Department regarding the verbiage of the proposed ordinance as she is not as familiar with planning as she is preservation. She said if the subject of developers needed more clarification in the ordinance that could be one of the revisions. Harry Crisp was concerned about the rights of individual property owners that have been in the County for generations. Anita Dodd said the ordinance is not meant for the individual property owner. She said, in fact, this ordinance would be a way to protect cultural resources located on family farms that will probably be sold to developers later.

Kathy Baker said Page 4, Section 28-3, 2nd paragraph of proposed Ordinance O06-47 states the following requirements shall apply to all applications for reclassification, conditional use permits, preliminary subdivision plans, preliminary site plans and major and minor site plans. She said this involves development and commercial related applications. Harry Crisp inquired about family subdivision plans. Kathy Baker said a preliminary subdivision plan is required for any subdivision greater than five lots.

Cessie Howell asked how the process works. Kathy Baker said the information is submitted to Planning & Zoning with a set of plans for review and a planner is assigned to the project. When a plan is submitted any historical resources are flagged. The information is submitted to the applicant for them to follow. Particularly without a preservation planner, the plan is submitted to the Historical Commission to assess. Cessie Howell iterated the Historical Commission would make a stronger presence as a group as opposed to one member. Kathy Baker said a Phase I report contains suggestions by the professional consultants that performed the study. She reiterated that none of the requests or suggestions are legally mandatory.

Anita Dodd said currently the ordinance is worded so the reports can be reviewed by a County agent to cover more options for reviewing. Cessie Howell asked if the entire Commission could receive a copy of the report. Anita Dodd said an archeological survey is not always submitted. Harry Crisp clarified with the Commission that currently an archeological survey is not mandatory. Anita Dodd said only if Chapter 106 of the State code is enforced. Barbara Kirby said prior preservation planners inquired with Anita Dodd and others as well. Kathy Baker said a couple reasons the surveys do not reach the entire Commission is because it is not a requirement and the plan reviewers have a limited time to accomplish all necessary steps. Often there is a time issue as the Commission meets only once a month. Cessie Howell said the report and comments can be circulated quickly by e-mail. Kathy Baker said in the future staff can change the circulation process.

Ann Best-Rolls asked, before development dropped off, roughly what percentage of developers submitted a Phase I report. Kathy Baker and Anita Dodd answered not many. Ann Best-Rolls requested a count of preliminary subdivision plans submitted, a count of Phase I Archeological Studies submitted in 2009 and how many developers followed the recommendations given. Anita Dodd said the numbers would be skewed because not every developer that submitted plans had a cultural resource to deal with. There were Phase I reports submitted that found no cultural resources. Other developers submitted a Phase I report and did not follow through with additional archeological reports when appropriate. Ann Best-Rolls asked Harry Crisp about the possibility of requiring Phase I studies to be submitted for County owned buildings and properties, for example Fire & Rescue. She said the County would not want another Dixon-Smith Middle School situation. There is concern that the schools do not have to provide this information.

Cessie Howell asked, in the future, with this ordinance, upon doing all their homework, paying all their fees, completing Phase I, II and III surveys, who is the one that says we do not want you to build here, build here instead. Kathy Baker said that decision will be based on recommendations from the Historical Commission. Anita Dodd said that is not the only contributing factor, for example, staff and Commission members consult with the National Park Service, the State Historic Preservation Office (SHPO), local historians and others. She said if the plan went all the way to a Phase III report, it would be creating a need for a method of agreement (MOA) by the Planning & Zoning Department, the Historical Commission, National Park Service etc. anyone that would have a stake in the project. You can have anyone you want present.

Harry Crisp said, ultimately, we need the scope of the ordinance and clarity about who it does and does not apply to. He thinks there will be significant effort required to get support. Cessie Howell asked Harry Crisp if the description on Page 4 identifies as well as it can. He said for those knowledgeable about the process it is probably sufficient. He said if you do not understand the process it could probably be overwhelming. Kathy Baker said the ordinance can state single family homes on individual lots will not be affected.

Barbara Kirby said requiring a Phase I study beforehand is like an insurance policy, once it is complete you know what you can do. If something appears then the County can work with the applicant offering solutions. The situation can be compared to not being able to build on wetlands you have to build around them or move a road. Anita Dodd said she met with several developers in the building community explaining the process. She said there were approximately ten developers. Some were larger development companies. Only one had a question which she answered. The developers wanted something similar in place because the process basically starts before their site plan.

The Commission discussed an example that transpired earlier in the County regarding the loss of a large Civil War cultural resource to the construction of Dixon-Smith Middle School. Anita Dodd said there was a known site before any archeological surveys were completed. She said the County could have worked with School Administrators to rearrange its site plan; however there was no policy in place requiring such. Harry Crisp said if the ordinance goes forward he wants strong language stating exactly what the requirements are. He wants to avoid, at all cost, anything that has a perfunctory kind of review. Barbara Kirby said the ordinance states developers need to review the Department of Historical Resources (DHR), the County's Scheel map and the County's cultural resource databases. Harry Crisp has a concern that when officials are contacted in Richmond regarding cultural resources they will call someone or search a database and not literally travel to the County and view the resource for themselves. Anita Dodd said no one person knows everything about the County and it is important to consult various sources including local historians. Harry Crisp said the process needs to be a business, legalistic situation. He said when that piece of paper comes forward it has to stand on its own merits. He said he does not want the report to be a cut and paste. He said he is a researcher and knows what they do. He said he suspects historic researchers work the same as scientific researchers. He said that is where he is coming from and that is his basic concern.

Harry Crisp said another concern is if the ordinance goes forward it will take a lot of education and socialization. Barbara Kirby agreed. He said there are a number of people in the public and on the Board who fear this ordinance can be another bureaucratic obstacle for conducting business. He said somehow the County will need to address that thought and make it clear. Anita Dodd asked Harry Crisp how he would address the issue. He said how the public and the Board are addressed will make a difference. He said the board currently has a subcommittee looking at the development review process and it is a big issue. Anita Dodd said developers are coming into the County and making money on the County so the County should have a say in how development occurs and what happens to cultural resources. She said the County currently has design guidelines in place and the ordinance is just another guideline.

Cessie Howell said the ordinance needs major detail. Jane Conner said the County is going to need to think outside the box. Barbara Kirby said this is an education process. She said people need to understand exactly what you get from a Phase I Archeological Study - what you are going for - what the archeologist is looking for. When it is completed and the archeologist finds the cultural resource does not meet national standards - what does that mean - what happens then? Barbara Kirby said if the archeologist determines you have a resource that needs a Phase II - what does a Phase II mean - what does the County get from a Phase II study - how far does it go? She said what does a Phase III mean and so on. If something is not discovered then the developer can agree and just build around it and leave it there.

Anita Dodd asked Harry Crisp what does he think is the best way for the Commission and staff to get the point across. How can we go about educating people? Would it help to have other communities that have this type ordinance in place speak to the Board? Kathy Baker said there are certain regulations the County has to hire archeological firms. Ann Best-Rolls asked Kathy Baker what is the process for archeological reports that do not appear complete. Kathy Baker said she has not immediately been involved in that process. Barbara Kirby said the County cannot tell developers which firms to use. Anita Dodd said the archeological firms that have worked in the County all have proper credentials. She said that is why firms should speak with local historians she said they do not purposely leave information out. Anita Dodd reiterated that the need for firms to consult with others is stated in the ordinance.

Cessie Howell asked Harry Crisp to compile a list of his recommendations for the revised ordinance. He said he would. Harry Crisp said he thinks a preservation planner will be a requirement.

Ann Best-Rolls iterated that County history is also National history. She said we have an obligation for future generations. She said the economy will eventually pick-up. She said we are on the eastern seaboard nestled between Richmond and D.C. We are going to be paved over, that is a reality. Harry Crisp agreed. He said getting the Board's input early on is important. He said it is going to be an uphill struggle. He said it will require much discussion, interaction and time to get to the point where there is broad support. Harry Crisp said, again, he is speaking for himself not the entire Board. He said he appreciates all that individuals on the Commission do for the County. He said those individuals are a valuable resource to the County and he thinks they are greatly under appreciated. He said he will review the cultural resource position, he is not confident about filling the position this coming fiscal year. Barbara Kirby said if we do not protect our cultural resources we will not need a Tourism Department. The Commission thanked Supervisor Harry Crisp for attending.

- Assess & Provide Recommendations to the Agricultural/Purchase of Development Rights (PDR) Committee for PDR Criteria Verbiage.

Ann Best-Rolls wondered if some of the verbiage allowed the PDR to take the Historical Commission's role regarding the subject. Anita Dodd said she feels there needs to be more explanation of the Commission's role. Her suggestion is to use additional criteria for PDR evaluations. She provided additional definitions regarding landscape. She asked the Commission if they felt a meeting with the PDR is warranted. She said she reviewed criteria

from PDRs in various areas. Anita Dodd requested Kathy Baker scan the additional information and e-mail to members of the Commission. Ann Best-Rolls suggested changing verbiage to presence of or proximity to, to cover all. Barbara Kirby suggested the wording, but not limited to.

- Report by the Commission Chairperson. Anita Dodd said she visited the Knight House and they are doing a very good job with the stabilization process.

- Adjournment. At 4:40 P.M., the Chairperson declared the meeting adjourned.

Anita Dodd - Chairperson

Ann Best-Rolls - Vice Chairperson